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Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/720,070 09/27/96 HYATT

R P53821C

PM82/0215

ROBERT E BUSHNELL,  
ATTORNEY-AT-LAW  
1522 K STREET, N.W. SUITE 300  
WASHINGTON DC 20005-1202

EXAMINER

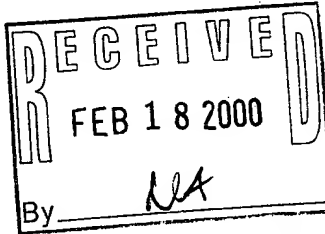
BOUCHER, D

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 02/15/00



*Due: 16 March 2000  
(30 days)*

Commissioner of Patents and Trademarks



Please find below and/or attached an Office communication concerning this application or proceeding.

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*Response to Amendment*

1. Applicant's amendment filed November 30, 1999 has not been entered as improper under 37 C.F.R. 1.121(2)(ii) which states that "[a] claim canceled by amendment (not deleted and rewritten) can be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number. Applicant's amendments filed October 6, 1999 and November 17, 1999 were proper and properly entered by the technical support staff thereby having legal effect. The Examiner can find no legal basis for entry of applicant's November 30, 1999 amendment. The amendment seeks to retract amendments properly entered into the case. The application is already convoluted as a result of a series of duplicate amendments being placed in the file. The Examiner wishes to further the prosecution of this case to its issuance or interference proceeding, however applicant's series of supplemental amendments appear to protract the prosecution of this case. Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the date of this notice, whichever is longer, within which to supply a proper amendment in compliance with 37 C.F.R. 1.121. If no amendment is received within this time period, the Examiner will examine the application as amended on October 6, 1999 and November 17, 1999. Any additional supplemental amendments must contain a detailed explanation as to why the amendments were not earlier presented. Applicant's have had ample opportunity to amend this application in response to the office action filed August 17, 1999 which crossed in the mail with applicant's amendment dated August 17, 1999. The Examiner will contact applicant 30 days from

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the mailing date of this notice in order to verify that all amendments have been filed by the applicant and that the application may be taken up by the Examiner for examination.

***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darnell Boucher whose telephone number is (703) 308-2492. The examiner can normally be reached on Tuesday-Friday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BethAnne Dayoan, can be reached at (703) 308-3865.

Submission of your response by facsimile transmission is encouraged. Group 3620's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on \_\_\_\_\_ (Date)

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(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CAR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist at (703) 308-2168.

February 14, 2000

**Damell M. Boucher**  
Primary Examiner

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